

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JEANIE A. MCSWAIN,

Plaintiff,

v.

FIRST TRANSIT, INC., an Illinois Corporation, and  
MARIAN R. BYRD,

Defendants.

Case No. 1:22-cv-5400

**NOTICE OF REMOVAL TO FEDERAL COURT**

NOW COME the Defendants, FIRST TRANSIT, INC., an Illinois Corporation, and MARIAN R. BYRD, by and through their attorneys, Jayne Bart-Plange of CASSIDAY SCHADE LLP, and for their Notice of Removal to Federal Court, states as follows:

1. Plaintiff, JEANIE A. MCSWAIN, filed a Complaint at Law in the Circuit Court of Cook County, Illinois, on August 25, 2022. Plaintiff alleges negligence against Defendants as a result of a motor vehicle accident occurring on November 12, 2021 in Chicago, Illinois. *See* Complaint, attached hereto as **Exhibit A**.

2. As a result of said motor vehicle accident, Plaintiff claims she sustained damages including, “bodily injury for which she experienced and is experiencing conscious pain and suffering, loss of normal life, emotional distress, and additionally she lost wages and incurred liability for reasonable and necessary medical services.”

3. Plaintiff seeks damages in excess of \$50,000.00.

4. Defendant’s, FIRST TRANSIT, INC., agent, CT Corporation System, was served in Chicago, Illinois on September 7, 2022.

5. Pursuant to 28 U.S.C. § 1332, a party may invoke Federal Jurisdiction where there is (1) complete diversity of the Parties, and (2) more than \$75,000 in controversy alleged.

6. First, there is complete diversity of the parties. Plaintiff, per her Complaint, is a resident of Griffith, Indiana. Ex. A. at ¶ 1. Plaintiff is therefore a citizen of the State of Indiana. Defendant, FIRST TRANSIT INC., is a Delaware Corporation with its principal place of business in Chicago, Illinois. *See* Illinois Secretary of State Corporation File Detail Report, attached hereto as **Exhibit B**. Defendant, MARIAN R. BYRD, resides in Chicago, Illinois, and therefore is a citizen of the State of Illinois. Accordingly, diversity exists between Plaintiff and all Defendants.

7. Second, this matter contains more than \$75,000 in controversy. Since the Illinois Code of Civil Procedure does not require a party to plead a maximum amount of damages in a state court filing, Plaintiff claims only that her damages *exceed* \$50,000 in her underlying State Court Complaint. *See* 28 U.S.C. § 1446(c)(2)(A)(ii) (emphasis added). However, the nature of Plaintiff's alleged injuries, as well as the value of her claimed economic and non-economic damages, clearly place more than \$75,000 in controversy in this matter. *See* 28 U.S.C. § 1446(c)(2)(B).

8. Specifically, Plaintiff claims personal injury, ongoing conscious pain and suffer, loss of normal life, emotional distress, lost wages, as well as costs already expended for medical treatment.

9. As such, this lawsuit satisfies both requirements for diversity jurisdiction as (1) complete diversity between the parties exists, and (2) Plaintiff's alleged injuries and damages clearly place more than \$75,000 in controversy.

10. Additionally, removal must be into the district court sitting in the district where the state court action is currently pending. 28 U.S.C. § 1441(a). Therefore, this action must be removed to this Court as the Northern District of Illinois is the Federal Court sitting in the district where the State Court case is currently pending (Cook County).

11. Defendants timely filed their Notice of Removal pursuant to 28 U.S.C. § 1446(b)(2)(B).

WHEREFORE, Defendants, FIRST TRANSIT, INC., an Illinois Corporation, and MARIAN R. BYRD, respectfully requests this cause of action be removed to the United States District Court for the Northern District of Illinois, Eastern Division.

Respectfully submitted,

FIRST TRANSIT, INC., an Illinois Corporation, and  
MARIAN R. BYRD

By: /s/ *Jayne Bart-Plange*

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